

9 JANUARY 1948

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I N D E X

of

EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Fros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2964	3718		Affidavit of SHIMADA, Shigetaro		37029
2977-A	3719		Extract from "Plan for Establishment of Greater East Asia Co- Prosperity Sphere"		37047
2977-B	3719-A		Excerpt from the Original Draft of the Establish- ment of the Greater East Asia Co-Prosperity Sphere (p.1)		37048
2965-A	3720		Extract from "First Table Top Total War Maneuvers" (p.1)		37049
2965-B	3720-A		Extract from "First Table Top Total War Maneuvers" (p.2)		37050
2966	3721		Extract from "Records of the Progress of Theoretical Maneuvers for Total War No. 1" (Outside Cover)		37050
2956	3722		Affidavit of KOJIMA, Hideo		37054
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1 Friday, 9 January 1948
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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE JARANILLA, Member
from the Republic of the Philippines, not sitting
from 0930 to 1600; HONORABLE JUSTICE HENRI BERNARD,
Member from the Republic of France, not sitting from
1330 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Captain Kraft.

4 LANGUAGE ARBITER (Captain Kraft): If the
5 Tribunal please, the following language correction is
6 submitted: Reference record page 36,824, lines 10-11,
7 insert "and both Chiefs of Staff" between "I" and
8 'told."

9 Line 11 insert "emphasizing" between "Emperor"
10 and "that."

11 THE PRESIDENT: Thank you.

12 Mr. Yamaoka.

13 MR. YAMAOKA: May it please the Tribunal, with
14 the presentation of the evidence yesterday afternoon,
15 the case for the accused HIROTA, Koki is concluded.

16 THE PRESIDENT: Mr. Cunningham.

17 MR. CUNNINGHAM: Your Honors, in alphabetical
18 order the evidence on behalf of OSHIMA will come next,
19 but one of the witnesses has not yet arrived and we
20 have asked that Mr. Brannon proceed with the evidence
21 in SHIMADA's case and perhaps the other witness will
22 be here by that time if it is agreeable to the Tribunal.

23 THE PRESIDENT: HOSHINO is next in alphabetical
24 order.

25 MR. CUNNINGHAM: Well, he isn't quite ready

yet either.

1 THE PRESIDENT: Well, we will take them in
2 that order, I suppose; the order in which they are
3 ready.

4 Mr. Brannon.

5 MR. BRANNON: HOSHINO, OSHIMA and SHIMADA
6 are, I believe, the only three who are reopening. I
7 have no objection to proceeding out of turn.

8 THE PRESIDENT: Mr. Howard has only three
9 excerpts from a book and a Regulation. So it appeared
10 in chambers. He should be ready.

12 MR. BRANNON: I am advised that it is simply
13 a technical matter of processing, Mr. President.

14 THE PRESIDENT: Well, proceed with SHIMADA's
15 case.

16 MR. BRANNON: I would like to ask first a
17 direction from the Tribunal concerning the second
18 appearance of an accused on the witness stand and
19 the extent to which further examination will be allowed.
20 Yesterday when I approached the lectern I thought it
21 too elementary to say that counsel thought that all
22 examinations would be confined strictly to the scope
23 of the second affidavit. When the President asked
24 me specifically what point the accused SHIMADA was
25 answering, I thought definitely there was no need to

make the announcement that I am making at this time.

1 Since there is an existing ruling of the Court that
2 when the accused takes the stand he takes it for all
3 purposes, I would like a definite ruling now that when
4 he takes the stand the second time in answer to a
5 specific matter that all examinations will be confined
6 to that matter. To permit otherwise, if the Tribunal
7 please, would simply be giving a double chance at
8 cross-examination, a thing which no lawyer would
9 voluntarily submit to.
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THE PRESIDENT: You call him at your own risk; that is all I can say. We cannot make a special rule instantaneously covering his case.

MR. BRANNON: Do I interpret the remarks of the President to be that he will be subjected to over-all direct examination and over-all cross-examination on any subject matter?

THE PRESIDENT: It would be a new rule, you know.

MR. BLANNON: Learned counsel advise me that, this being a new matter, the accused taking the stand for the second time, there is no rule yet made on the matter. I specifically and earnestly request that a rule be made now, Mr. President, so I might safely proceed.

THE PRESIDENT: I will take the views of the
Members, Mr. Brannon. You may succeed.

In the absence of special circumstances, a majority of the Court are prepared to confine the further examinations to the new matter.

MR. BRANNON: We recall the accused SHIMADA.

— — —

SHIMADA

DIRECT

37,025

SHIGETARO SHIMADA, an accused, having been previously sworn, testified through Japanese interpreters as follows:

MR. BRANNON: May the accused be handed defense document 2946, the English copy as well as the Japanese?

THE PRESIDENT: The accused is recalled. We will confer. We will do so immediately just for a few minutes.

9 (Whereupon, at 0945, a recess was
10 taken until 0955, after which the proceed-
11 ings were resumed as follows:)

13 MARSHAL OF THE COURT: The International
14 Military Tribunal for the Far East is now resumed.

15 THE PRESIDENT: We have nothing to add for the
16 time being to the announcement already made in respect
17 to the calling of SHIMADA.

19 MR. BRANNON: Has the witness been handed the
20 affidavit:

21 (Whereupon, a document was handed
22 to the witness.)

23 DIRECT EXAMINATION

24 BY MR. BRANNON:

25 Q Your name is Shigetaro SHIMADA?

A Yes.

1 Q Will you examine the copy of the affidavit and
2 tell me whether it is true and correct?

3 THE PRESIDENT: You have already given evidence
4 and you are still on your former oath.

5 A This affidavit is true and correct.

6 MR. BRANNON: I offer in evidence defense docu-
7 ment 2964.

8 THE PRESIDENT: Captain Robinson.

9 CAPTAIN ROBINSON: Mr. President and Members of
10 the Tribunal, the prosecution objects to paragraphs 3
11 and 4 of the affidavit. The principle ground of objec-
12 tion is that these paragraphs do not relate to the sub-
13 ject of the threat. It is that subject upon which
14 counsel requested recall, page 35,859 of the transcript,
15 and the Court granted, at transcript 36,963, the special
16 opportunity for the accused SHIMADA to testify again.

17 There are other objections also if the Court
18 would care to hear those at this time.

19 THE PRESIDENT: State all your objections.

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CAPTAIN ROBINSON: They repeat evidence already given, if the Court please, by the defendant, points already covered at length by defense counsel in cross-examination of Mr. TOGO. Further, they present no new facts. They are mere statements of personal opinion and argument and they repeat statements already made by the accused SHIMADA in his testimony on direct examination and in cross-examination.

THE PRESIDENT: Major Blakeney.

MR. BLAKENEY: On behalf of the defendant TOGO, against whom this affidavit is directed, I have some additional objections.

I should add to what Captain Robinson said that paragraph 3 of the affidavit not only is a statement of opinion and conclusion, but it is this defendant's conclusion as to what another defendant, now deceased, meant when he said certain things. This clearly appears upon a glance at the last sentence of that paragraph, paragraph 3, which sums up the argument therein contained.

Paragraph 4 is argument, wholly. As to paragraphs 1 and 2, which purport to deal with the question of the threat, I have the following observation to make: The most that can be said of these two paragraphs is that they constitute a plea of confession and avoidance.

1 After admitting the currents of the conversation, and
2 saying that he does not remember what was said on that
3 occasion, he then proceeds to say that anything that was
4 said must be interpreted differently from the way it was
5 interpreted by the defendant TOGO, and he frankly states
6 in the concluding sentence of paragraph 2 that it is
7 "for the purpose of denying this interpretation of our
8 conversations" that he testifies.

9 I therefore submit that this adds nothing to
10 what his counsel might say on his behalf by way of sum-
11 mation.

12 THE PRESIDENT: Mr. Brannon.

13 MR. BRANNON: I will not seek to answer these
14 objections point by point, but simply to say this, if
15 the Tribunal please:

16 The accused, former Admiral SHIMADA, heard the
17 accused TOGO tell this Tribunal that he, SHIMADA, had
18 threatened him and tried to prevent him from testifying
19 before this Tribunal. He immediately notified me that
20 he wanted to take the witness stand again, and this is
21 the affidavit which he wrote. The context relates to
22 the very subject matter in issue, and also explains the
23 paragraph leading to that conversation, which is something
24 we thought the Tribunal wanted honestly to hear.

25 To allow one accused to give his interpretation

SHIMADA

DIRECT

37,029

1 and opinion on a set of facts and then to deny the other
2 just doesn't make good sense.

3 THE PRESIDENT: By a majority the objections
4 to paragraphs 3 and 4 are sustained; the balance of the
5 affidavit is admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 2964 will
7 receive exhibit No. 3718.

8 (Whereupon, the document above
9 referred to was marked defense exhibit No.
10 3718 and received in evidence.)

11 MR. BRANNON: I proceed to read exhibit 3718,
12 the affidavit of the accused SHIMADA. Omitting the
13 formal part, I read:

14 "1. TOGO, Shigenori on December 19th, 1947
15 (page 35,838 of the record) testified '*** that some-
16 time in the middle of May, last year, after lunch here
17 at Ichigaya, SHIMADA proposed a talk among NAGANO, me,
18 and himself. At that time SHIMADA expressed the desire
19 that I would not say anything about the fact that the
20 Navy desired to carry out the surprise attack. He also
21 said something in the nature of a threat, saying that
22 if I said so, it would not be worth my while. NAGANO
23 then, at that time, told me that "Even if I might have
24 said so, the Foreign Minister need not adopt my proposi-
25 tion," to which I explained to NAGANO that the situation

SHIMADA

DIRECT

37,030

was not so.'

1 "2. The conversation referred to by Mr. TOGO
2 was predicated upon the following background. NAGANO
3 and I as well as others had been imprisoned for some
4 months before TOGO. Sometime in May of 1946 NAGANO was
5 informed of the fact that TOGO had made several prepared
6 statements to the prosecution to the effect that NAGANO
7 and ITO at a Liaison Conference had advocated the com-
8 mencement of hostilities December 8th, 1941 without any
9 notification and that they finally agreed to send a
10 notification through the persuasion of Mr. TOGO. NAGANO
11 became quite incensed over this statement and came to
12 me saying that it was absolutely a falsehood and re-
13 flected deeply on the honor of the Japanese Navy. He
14 asked me if I had a recollection of such a thing
15 occurring. I told him I certainly did not and since it
16 was a grave matter, I, as Navy Minister, certainly should
17 remember it if it had taken place. In order to dispel
18 any doubt whatsoever we questioned all of the accused
19 who attended the Liaison Conferences. As I have pre-
20 viously testified before this Tribunal, no one agreed
21 with TOGO's statement.

23 "Shortly after TOGO's incarceration NAGANO and
24 I had a conversation with him during a recess period
25 here in this building. I do not remember the exact

SHIMADA

DIRECT

37,031

1 conversation that took place but I know that it was in
2 the presence of all of the other accused and no attempt
3 at secrecy was made. The gist of the conversation was
4 to tell TOGO about the statements of all of the other
5 accused concerning this matter. TOGO states that I used
6 words which sounded like a threat. What they could be
7 I have no idea unless it was a remark to the effect that
8 he should be more careful about the truth. As to whether
9 I said this or NAGANO I do not clearly remember. Cer-
10 tainly neither NAGANO nor I attempted to influence him
11 in any way. It would have been ridiculous for us to
12 have done so because TOGO had already made the state-
13 ment on several occasions and could not have retracted
14 it without telling two different stories. To have made
15 a threat to him would have been both absurd and un-
16 thinkable and nothing was said which could have led him
17 to this belief. It was for the first time here in this
18 courtroom on December 19th, 1947 that I learned TOGO had
19 interpreted our conversation as he had and I was shocked
20 and astonished at his utterances and attitude. There-
21 fore it is mainly for the purpose of denying this inter-
22 pretation of our conversation that I have asked to again
23 take the witness stand."

25 That is all.

THE PRESIDENT: Mr. Levin.

1 MR. LEVIN: Mr. President, I would like to
2 ask the witness several questions that arose from the
3 examination of TOGO.

4 THE PRESIDENT: On behalf of whom?

5 MR. LEVIN: On behalf of SUZUKI. These
6 questions relate to conversations and discussions which
7 took place at the Liaison Conference of November 1st,
8 concerning which TOGO testified at length and I desire
9 to ask these questions in direct examination.

10 THE PRESIDENT: Mr. Brannon.

11 MR. BRANNON: If the Tribunal please, even
12 this short four-page affidavit has been pared down
13 by the Tribunal to a most definite and concise state-
14 ment. I most strenuously object to counsel attempting
15 to ask any questions on subject matter not contained in
16 paragraphs 1 and 2 of this affidavit, and certainly
17 the Liaison Conference of November 1st is not contained
18 therein.

19 THE PRESIDENT: We decided we would not allow
20 cross-examination outside the scope of this second
21 affidavit that was tendered this morning, in the
22 absence of special circumstances. I think you may take
23 it that restriction applies to examination of any kind.

24 MR. LEVIN: Mr. President, this is the only

1 opportunity that one accused has of offering testimony
2 in a direct way to another accused at a time subsequent
3 to the presentation of certain evidence. This witness
4 and this accused was one of the most important members
5 of the Liaison Conference of November 1, 1941, and
6 involved the accused in whose behalf I wish to ask
7 certain questions. I could not recall this accused
8 to the witness stand and at the time that he testified
9 we had no knowledge of what testimony Mr. TOGO would
10 give in relation to this matter. Now we have this
11 opportunity. Counsel for him cannot limit the extent
12 of his examination at all. That, of course, is a
13 matter for the Court. And when he comes here,
14 and when he is presented to give evidence, it would
15 seem that in the interest of justice we should be
16 permitted to examine him on a matter concerning which
17 we have had no opportunity to examine him before.
18

19 THE PRESIDENT: Is your application based
20 on something that TOGO said, that took you by surprise?

21 MR. LEVIN: It did, if your Honor please.

22 THE PRESIDENT: Did you cross-examine TOGO
23 about that, Mr. Levin?

24 MR. LEVIN: No, I did not.

25 MR. BRANNON: Mr. President, may I add a
word before a vote is taken on this matter? To permit

counsel to ask questions in redirect bringing up new subject matter is in effect to permit the prosecution or others to cross-examine on the scope of new subject matter, which would be a direct infringement on the meaning of the ruling of the Tribunal this morning.

6 Secondly, to have the accused repeat what
7 he has stated in his original affidavit is not new
8 evidence, but merely reiteration of what he has
9 previously stated. To permit such examination, Mr.
10 President, would in effect be to allow the counsel
11 to do something through the good graces of this accused
12 in taking the stand at his own request, that he could
13 not have done before.

14 THE PRESIDENT: As put by a member of the
15 Tribunal, this amounts to an application to reopen
16 SUZUKI's case, and to call SHIMADA as a witness in
17 SUZUKI's favor, and SUZUKI may have rights to be
18 considered in that regard. Every answer that he gives
19 here exposes him to further risk of cross-examination,
20 which he is not obliged to take, perhaps.

I think the Court is against you, Mr. Levin.

23 Captain Robinson.

CROSS-EXAMINATION

25 | BY CAPTAIN ROBINSON:

Q Directing your attention, Mr. Witness, to

1 page 2 of your affidavit, at the top of the page you
2 state that when NAGANO learned of what TOGO had said
3 in statements made by him, that NAGANO became quite
4 incensed and that he proceeded then to talk to you
5 about it. You, likewise, thereupon became incensed
6 yourself, did you not?

7 A I first heard of this matter from NAGANO
8 and at that time I did not immediately become incensed.

9 Q How long did it take you to become incensed?

10 A After investigating the matter and trying
11 to call back my memories on this point, as well as
12 ascertaining the recollections of other members who
13 had been present at the Liaison Conference, it became
14 clearly apparent that TOGO was not telling the truth
15 and therefore it was but natural that for the sake
16 of the Navy I should become incensed.

17 Q How long did it take you and NAGANO to find
18 TOGO and ask him about it?

19 A I talked to TOGO after asking the opinions
20 of others, and so it must have taken about ten or
21 fifteen minutes.

22 Q Yes, and you and NAGANO were still incensed
23 when you proceeded to ask Mr. TOGO about the matter,
24 weren't you?

25 A Both I and NAGANO are all men over sixty and

SHIMADA

CROSS

37,036

have had considerable experience over a number of years.

1 We are not men to retain anger over such an extended
2 period of time.

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1 Q Well, this all happened in May 1946, didn't
2 it?
3 A Yes.

4 Q Therefore, after learning first of the
5 answers that Mr. TOGO had given, NAGANO talked to you
6 soon after that and then it was soon after that in
7 the same month that you and NAGANO saw Mr. TOGO here
8 in the War Ministry Building and proceeded to call
9 him to account for the statements he had given to
10 interrogating investigators; is that not correct?

11 A Yes.

12 Q In other words, you were angry when you talked
13 to him?

14 A My previous answer stands.

15 Q And your attitude and that of NAGANO toward
16 him was aggressive, was it not, and threatening;
17 isn't that correct?

18 A No, not at all. For the sake of the Army
19 or the Navy we merely called his attention to the
20 mistake which he had made.

21 Q Well, you were angry about the honor of the
22 Navy, weren't you?

23 A When one wishes to talk with another, it is
24 impossible to do so if one is in a temper.

25 Q You were also concerned, were you not, about

the testimony which Mr. TOGO might give before this
1 Tribunal, were you not?

2 A That is a preposterous suggestion. We never
3 thought that because of our having called TOGO's
4 attention to this point he would have given such
5 absurd testimony. As for the fact that he said that
6 he considered our remarks to be in the nature of a
7 threat, I myself feel that unless he himself had in
8 his heart a feeling of guilt, he could hardly have
9 taken our remarks in that way.
10

11 Q And in your statement at the top of page 3
12 you say that nothing was said -- the second line from
13 the top -- nothing was said which could have led him,
14 referring to TOGO, to this belief that you were making
15 a threat. By this statement do you mean that Mr. TOGO
16 does not, in fact, believe that you made a threat and
17 that he, therefore, is deliberately lying in testifying
18 as he does in this Tribunal?

19 A This is indeed a difficult thing-- I consider
20 it a most embarrassing thing to have to say but since
21 you have asked me on this point I shall make my reply.
22 I have two remarks to make. First I think that, as I
23 have just said, unless he himself felt a considerable
24 feeling of guilt he could not have taken my remark
25 as constituting a threat and, therefore, his testimony

on this point can be interpreted as an indication of
1 his feeling of guilt. Second, although I hate to
2 make a remark like this, I felt at the time that he
3 was employing a diplomatic maneuver, that of running
4 away behind a smoke screen. In other words, finding
5 things going very difficult for himself, he used a
6 word like threat which no one could use or even con-
7 ceive of, and thus try to find a way of escape for
8 himself out of his predicament.

9
10 Q In other words, you think that he was trying
11 to escape the responsibility which you and NAGANO and
12 ITO had been trying to place upon him because the
13 notification had not been given and the treaty had not
14 been complied with in that Pearl Harbor attack; is that
15 your position?

16 A I find the present question quite complex
17 and I shall reply to it slowly. First, it seems to
18 me that you are under a misapprehension regarding
19 the position of the Japanese Navy, as testified by
20 various witnesses. The Japanese Navy, as many witnesses
21 have testified, was always concerned with how inter-
22 national law could be kept and did its utmost to carry
23 out the provisions of international law. In the case
24 under consideration also, since the matter was one of
25 such paramount importance as General TOJO has testified,

the Emperor himself was greatly concerned that all
1 treaty provisions be kept and, therefore, the
2 Japanese Navy was most desirous that strict compliance
3 with international law in sending this final notification
4 be observed and that a regular and formal notification
5 be sent. Both the Navy General Staff under
6 Admiral NAGANO and the Combined Fleet under Admiral
7 YAMAMOTO swore to me that the provisions of inter-
8 national law would be observed and, therefore, as has
9 already been testified before this Tribunal, when the
10 task force left for Hawaii it was with the full expec-
11 tation that a notification would be sent to the
12 United States and that the American forces in Hawaii
13 would be ready and waiting for them. Therefore, as
14 regards your question concerning the last notification,
15 the final notification to the United States, this
16 matter was clearly one in which the Foreign Office
17 authorities were at fault. Correction: the delay in
18 sending the last notification. This delay was occa-
19 sioned by a mistake on the part of the Foreign Office
20 authorities, and I am confident that you can easily
21 imagine that the Navy was not in any position to
22 accept responsibility for such fault. Therefore, it
23 is not a question at all of our trying to place the
24 responsibility on TOGO or anything like that.
25

Q You know of the testimony in this case to
1 the effect that the Navy went to Mr. TOGO and asked
2 that the time allowance for the delivery of the notifi-
3 cation be reduced to a point where there was danger
4 that what actually happened would happen, do you not?
5

MR. BRANNON: We object to that question on
6 the ground that it encompasses the very subject matter
7 prosecution objected to originally and which was
8 stricken from the affidavit.
9

CAPTAIN ROBINSON: If the Court please, it is
10 based squarely on the witness' answer in which he was
11 talking about the liability, as he calls it, of the
12 defendant TOGO and again trying to shift responsibility
13 from himself to the defendant TOGO. That is the theory
14 underlying this question in cross-examination.
15

THE PRESIDENT: The objection is overruled
16 and the question allowed.
17

18 We will recess for fifteen minutes.
19

(Whereupon, at 1045, a recess was
20 taken until 1100, after which the proceedings
21 were resumed as follows:)
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SHIMADA

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Robinson.

4 CAPTAIN ROBINSON: Will you answer that ques-
5 tion, Mr. Witness?

6 Should the question be repeated, if the
7 Court please?

8 THE PRESIDENT: Yes, the Japanese reporter will
9 read it.

10 CAPTAIN ROBINSON: Will the English reporter
11 give it first, please?

12 THE PRESIDENT: Very well.

13 THE INTERPRETER: The witness stated: I
14 remember the question. I shall reply.

15 THE PRESIDENT: Let him reply.

16 THE WITNESS: In reply to your question I
17 state that the time demanded by the Navy General Staff
18 for the handing of the final note to the United States
19 was 1 p.m. Washington time. The attack was actually
20 commenced at around 1:30 p.m. Washington time.

21 BY CAPTAIN ROBINSON (Continued):

22 Q Now, Mr. Witness, will you reply to my ques-
23 tion? That is not an answer to the question which I
24 asked you.

25 THE PRESIDENT: I think you have forgotten

1 the question, Captain. I think it is very nearly an
2 answer but not yet, he hasn't completed it.

3 Q Proceed.

4 A My recollection of the time Ambassador NOMURA
5 actually handed the final note to Secretary Hull is
6 that it was 2:10 p.m. Washington time. Now, the one
7 hour and ten minutes between the time scheduled for
8 the delivery of the note and the time the note was
9 actually delivered had nothing to do with the actual
10 delivering of the attack, and the Navy was not in a
11 position to be able to do anything about this one hour
12 and ten minutes delay. If the note had been delivered
13 by Ambassador NOMURA at 1 p.m., as had been demanded by
14 the Navy General Staff and as had been originally
15 scheduled, the note would have been delivered thirty
16 minutes before the commencement of the attack, and all
17 provisions of international law would have been met.

18 And, therefore, my reply to your question is
19 that the Navy's demands on this point had nothing to
20 do with the delay caused in the actual delivery of the
21 note.

22 Q Well, that is figuring your margins pretty
23 close, Admiral. But you have heard the testimony in
24 this case to the effect that the Navy was constantly
25 exerting pressure on the Foreign Office to delay the

1 delivery of the note. Therefore, your margins may not
2 be sufficient to cover the responsibility which you
3 are trying to place upon the defendant TOGO on this
4 particular point, is that not correct?

5 A I am not sure just what testimony you are
6 referring to when you tell me I must have heard testi-
7 mony before this Tribunal on this point. I have, of
8 course, heard testimony given by TOGO's witnesses on
9 this point, but I do not know of any other testimony
10 given. Correction: TOGO's witnesses may have said
11 that but I don't recollect any other testimony by others
12 on this point. Since the matter was of grave importance,
13 indeed, from the standpoint of international law it is
14 inconceivable that the Foreign Ministry should have been
15 so behindhand in disposing of this matter.

16 Q You are suggesting then -- strike that. Leaving
17 this matter of motive, your suggestion in regard to
18 what motive may have actuated Mr. TOGO in giving what
19 you say is false testimony against you on this point,
20 can you suggest to the Tribunal any other facts or
21 situations which might indicate any motive on Mr. TOGO's
22 part for testifying falsely in this Tribunal -- before
23 this Tribunal concerning you and your actions?

24 A I, myself, have no connection with TOGO, but
25 the only reason I am giving testimony such as I am

1 giving today is that as Navy Minister I was the
2 responsible official of the Navy in those days, and I
3 feel that the honor of the Navy has been impugned by
4 TOGO's testimony and I feel bound to defend it. For
5 instance, in my former affidavit I especially refrained
6 from touching upon the TOGO interrogatories and the
7 replies which he made in the course of those interroga-
8 tions, and I am only -- I have only been forced to
9 rebut the evidence given by TOGO as a witness here --
10 by the witness here for the sake of the honor of the
11 Navy.

12 THE MONITOR: Strike out TOGO and just say
13 as given by the witnesses. Well, correct that: Just
14 by the witness YAMAMOTO -- singular. Strike out TOGO.

15 A (Continuing) And, therefore, in giving testi-
16 mony here today I do not possess any data on which to
17 give reasons for whatever may have motivated TOGO to
18 give such testimony

19 Q Of course, you have heard Mr. TOGO's testimony,
20 transcript 35,839, at the time that you threatened him
21 in that testimony, according to his testimony here, in
22 May 1946. You have heard him testify further that
23 "There were other occasions . . . in which the Navy
24 side requested me not to speak of the Navy's desire
25 for conducting a surprise attack." Did you talk to

1 Mr. TOGO on other occasions in which this threat was
2 repeated or not?

3 A I have never asked TOGO regarding the testi-
4 mony which he gave the other day, subsequent to that
5 testimony, and, therefore, I can only give you what I
6 believe on the matter.

7 Q Well --

8 A I still have some more to say.

9 Q On that point of any further threat, in other
10 words, the question is: Did you make any further threat
11 at any other time to Mr. TOGO? Could that be answered
12 by yes or no?

13 A Not I, myself.

14 CAPTAIN ROBINSON: That is all.

15 THE PRESIDENT: Mr. Brannon.

16 MR. BRANNON: That is all for the defense.

17 THE PRESIDENT: The accused will resume his
18 place in the dock.

19 (Whereupon, the witness was excused.)

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THE PRESIDENT: Mr. Howard.

1 MR. HOWARD: Mr. President, permission has
2 been granted us to reopen HOSHINO's individual defense
3 to answer the evidence of MURAKAMI who was produced by
4 the prosecution after the close of HOSHINO's individual
5 defense.

6 I offer in evidence defense document 2977-A.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 2977-A
9 will receive exhibit No. 3719.

10 (Whereupon, the document above re-
11 ferred to was marked defense exhibit No.
12 3719 and received in evidence.)

13 MR. HOWARD: Before reading this exhibit I
14 would like to point out that the words, "MOMIYAMA,
15 Member of Staff" is written in pencil on the Japanese
16 original.

17 I shall read the exhibit:

18 "MOMIYAMA, Member of Staff (Secret)
19 ""Plan for Establishment of Greater East Asia
20 Co-prosperity Sphere (Draft)"

21 "Made by the Research Institute of Total War.
22 "Series No. 45. Document No. 20. Date,
23 January 27, 1942. Number of copies made, 150. Disposi-
24 tion: To be kept in the Institute. Outside of the

Institute to be returned as soon as through."

1 THE PRESIDENT: What is the purpose of that
2 exhibit, Mr. Howard?

3 MR. HOWARD: This is to show that exhibit 688
4 was not sent to the Prime Minister or other ministries
5 by the Total War Research Institute for reference as
6 the prosecution tried to prove through its witness
7 MURAKAMI.

8 I offer in evidence defense document 2977-B.
9 This is an excerpt from the original draft of the
10 establishment of the Greater East Asia Co-Prosperity
11 Sphere, page 1.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document 2977-B
14 will receive exhibit No. 3719-A.

15 (Whereupon, the document above re-
16 ferred to was marked defense exhibit No.
17 3719-A and received in evidence.)

18 MR. HOWARD: I shall read exhibit 3719-A:
19 "This study was carried out by the members.
20 of the institute, pointing and guiding the general course
21 it should pursue, regarding the essentials in the estab-
22 lishment of the Greater East Asia Co-Prosperity Sphere,
23 with the main object of educating the students. Because
24 of the limited time or other reasons, some parts of the

contents are precise and detailed, and others are not.
1 Especially the mutual relations of each part are not
2 thoroughly looked into and requires further study and
3 corrections.
4

5 "But for the time being it has been printed
6 to serve it as material for future research."

7 I offer in evidence defense document 2965-A.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 2965-A
10 will receive exhibit No. 3720.

11 (Whereupon, the document above re-
12 ferred to was marked defense exhibit No.
13 3720 and received in evidence.)

14 MR. HOWARD: I wish to point out that the
15 Japanese original is hand written.

16 "First Table Top Total War Maneuvers" --
17 page 1.

18 "Circulation:
19 "Supervisor of the Exercise (Signed) IIMURA
20 "Assistant Supervisor of Exercise (Signed)
21 HORIBA, member of the staff (Signed).

22 "Conditions of 3rd Term Exercise and Prosecu-
23 tion of the Exercise

24 "Supervisory Branch of Table Top Maneuvers
25 "Custody MATSUDA, Chiaki (seal) Assistant

Supervisor."

1 I offer in evidence defense document 2965-B.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document 2965-B

4 will receive exhibit No. 3720-A.

5 (Whereupon, the document above

6 referred to was marked defense exhibit

7 No. 3720-A and received in evidence.)

8 MR. HOWARD: (Reading) "First Table Top
9 Total War Maneuvers" -- page 2.

10 "Sokien No. 7. Part I. No. 5 of 120 copies
11 in all.

12 "Appointed Receiver: MATSUDA, member of the
13 Institute.

14 "Keeping Secret: Secret to all except those
15 participating in maneuvers.

16 "Management: Shall be returned after the
17 end of maneuvers."

18 I offer in evidence defense document 2966.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 2966
21 will receive exhibit No. 3721.

22 (Whereupon, the document above

23 referred to was marked defense exhibit
24 No. 3721 and received in evidence.)

1 MR. HOWARD: I wish to point out that the
2 Japanese original of this is hand written also.

3 "Records of the Progress of Theoretical
4 Maneuvers for Total War No. 1" --Outside Cover.

5 "(Secret)"

6 "To be perused by

7 "Director of the Institute (Signed) IIMURA

8 "The Secretary (Signed) OKA. The Staff."

9 That is all we have to present, your Honor.

10 THE PRESIDENT: Mr. Cunningham.

11 MR. CUNNINGHAM: It appears as though we had
12 better let them go ahead with the Russian Phase because
13 our other witness has not arrived yet. Only one of them
14 is here.

15 Now I am advised that the Russian Phase isn't
16 ready. One of our witnesses is here. I suggest, then,
17 that we could, to avoid losing any time, put the
18 witness who is here on, then put the testimony of the
19 other witness on and put him on for cross-examination
20 as soon as he comes.

21 THE PRESIDENT: Mr. Tavenner.

22 MR. TAVENNER: If it please the Tribunal, we
23 are perfectly willing to agree about the one witness
24 who is here but we do not like to agree to the reading
25 of the affidavit of the witness who isn't here when

1 our present intention is to cross-examine.

2 MR. CUNNINGHAM: It may be a moot question
3 because by the time Mr. Tavenner gets through with the
4 cross-examination of the first witness the other wit-
5 ness may be here, so we shouldn't be alarmed about that.

6 THE PRESIDENT: Well, proceed, Mr. Cunningham.

7 MR. CUNNINGHAM: Mr. SHIMANOUCHI will continue
8 with the presentation.

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KOJIMA

DIRECT

37,053

THE PRESIDENT: Mr. SHIMANOUCHI.

MR. SHIMANOUCHI: If the Tribunal please,
the purpose in reopening OSHIMA's individual defense
is to meet the prejudice incurred by him by the
testimony of the witness SHUDO, who appeared for the
defendant TOGO, pages 35,440 to 35,450 of the trans-
cript.

I should like now to call the witness
KOJIMA, Hideo.

H I D E O K O J I M A, called as a witness on
behalf of the defense, being first duly sworn,
testified through Japanese interpreters as
follows:

DIRECT EXAMINATION

BY MR. SHIMANOUCHI:

Q Mr. Witness, please state your name and
address.

A My name is KOJIMA, Hideo; and my present
address, Tatsukobu, Kushiro-mura, Kushiro-gun,
Hokkaido.

MR. SHIMANOUCHI: May the witness be shown
defense document 2956.

(Whereupon, a document was handed
to the witness.)

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KOJIMA

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Q Is this your affidavit?

A Yes, it is.

Q Are the contents thereof true and correct?

A They are true and correct.

MR. SHIMANOUCHI: I should like to tender defense document 2956 in evidence after having made the following corrections in the English text:

First, numbered paragraph 1, line 1, "Tatsukeshi" should read "Tatsukobu."

Second, numbered paragraph 3, lines 1 and 2, strike out the following: "Transcript page 35,44C."

Third, numbered paragraph 3, lines 3 and 4, "Navy Minister" should read "Navy Ministry."

Fourth, the middle of page 2, "On this 23 day of December, 1947" should read "On this 30 day of December, 1947."

And lastly, line 6 from the bottom of the second page, and the last line thereof, "SHIMAUCHT" should read "SHIMANOUCHI."

That is all.

THE PRESIDENT: Admitted on the usual terms, as corrected.

CLERK OF THE COURT: Defense document 2956 will receive exhibit No. 3722.

(Whereupon, the document above

KOJIMA

DIRECT

37,055

referred to was marked defense exhibit
1 No. 3722 and received in evidence.)

2 THE PRESIDENT: You corrected, of course,
3 only the copy; the original stands.

4 MR. SHIMANOUCHI: The Japanese original
5 does not require any revision, sir.

6 I now read court exhibit 3722, omitting
7 the formal parts and also paragraph 1:

8 "2. I was Naval Attache of the Japanese
9 Embassy in Berlin from April 1936 until March 1939.
10 During that period I was first Commander and later
11 Captain of the Navy.

12 "3. In exhibit No. 3619 of this Tribunal
13 it is stated: '3. In March or April 1938 the
14 Naval Attache of the Embassy sent a cable to the
15 Navy Ministry strongly urging Ambassador TOGO's
16 removal on the ground that he was on bad terms with
17 the German Foreign Minister and that his retention
18 in the circumstances of the time, when it was
19 necessary to promote Japanese-German cooperation
20 was not in the interest of the country. The cable
21 stated also that the matter had been talked over with
22 the Military Attache.' This is contrary to the fact.
23 I never sent such a telegram to the Ministry of Navy
24 or to any other place. Of course I also never

KOJIMA

DIRECT

37,056

1 dispatched such a telegram after consultation with
2 Military Attaché OSHIMA.

3 "4. However, there was a following fact:

4 "The predecessor to Ambassador TOGO was
5 Mr. MUSHAKOJI. During the time of Ambassador
6 MUSHAKOJI, the Ambassador, the Military and Naval
7 Attaches had been able to collaborate smoothly.

8 But after Ambassador TOGO had arrived at the end of
9 December 1937, the relations between Ambassador TOGO
10 and some of the Embassy staff on the one hand, and
11 Military Attaché OSHIMA and I as the Naval Attaché
12 on the other, came to lack harmony. For instance,
13 important telegrams from the Foreign Office which
14 had theretofore been shown by the Embassy to the
15 Military and Naval Attaches were shown to us only
16 very reluctantly, if at all. Furthermore, when the
17 press mission arrived from Japan, the Military and
18 Naval Attaches were not invited to a reception at
19 the Japanese Embassy, a fact which was found very
20 strange by that mission. As in this way an emotional
21 estrangement was caused between the Ambassador and
22 the both Attaches, and works did not proceed smoothly.
23 I reported this circumstance to the Ministry of Navy.
24 But I did absolutely not consult OSHIMA in dispatching
25 this telegram.

1 KOJIMA

2 DIRECT

3 37,057

1 "I might add that this telegram was not at
2 all related with the question of the Japan-Germany-
3 Italy Alliance. At that time the question of a Japan-
Germany-Italy treaty did not yet arise.

4 "5. The people's mission led by Mr. GODO,
5 Takuo, arrived in Germany in November 1937 and
6 stayed there until about April 1938. I had no con-
7 sultation with Military Attaché OSHIMA or Mr. GODO
8 with respect to the question of conditions of German
9 trade in China, nor did I have any conversation
10 with Foreign Minister Ribbentrop concerning this
11 matter. I also never heard that OSHIMA by-passed
12 the Embassy and talked with Ribbentrop on this matter
13 or presented to him a proposal concerning conditions
14 of trade."

16 You may cross-examine.

17 THE PRESIDENT: Major Blakeney.

18 MR. BLAKENEY: On behalf of Mr. TOGO.

19 CROSS-EXAMINATION

20 BY MR. BLAKENEY:

21 Q Witness, why do you go out of your way to
22 mention in paragraph 4 of your affidavit that the
23 question of a Japanese-German-Italian Alliance had
24 not yet come up in March or April, 1938?

25 A Toward the end of the testimony of Mr. SHUDO

KOJIMA

DIRECT

37,058

1 there was some statement to the effect that Mr. TOGO
2 at the time of his departure from Berlin was receiv-
3 ing the opposition of the army and navy side, and
4 therefore because of the opposition to an alliance
5 among Japan, Germany, and Italy, and that there was
6 an attempt to drive him out, and therefore I thought
7 there was some kind of misapprehension. That is why
8 I made this statement.

9 Q This affidavit of yours purports, does it
10 not, to be concerned with the telegram, cablegram
11 which Mr. SHUDO testified to having been sent by
12 you to the Navy Ministry?

13 A Yes.

14 Q Is there anything said in Mr. SHUDO's testi-
15 mony in connection with that cablegram about a
16 Japanese-German-Italian Alliance?

17 A I do not think so, but it appeared to me
18 that there was some kind of misunderstanding, and that
19 is why I added this remark.

20 Q Well, you wouldn't say, would you, that in
21 March or April, 1938, the question of closer coopera-
22 tion between Germany and Japan had not come up?

23 A So far as I knew I knew nothing of it; so far
24 as I am concerned I knew nothing of it at the time.

Q When you say that this telegram, which
1 in paragraph 4 of your affidavit you admit having sent,
2 was not related to the question of the Japan-Germany-
3 Italy Alliance, you do not mean to say, do you, that
4 it could not have been related to the Japan-German
5 cooperation question, because that had not yet come up?
6

A I could not quite get the question.
7

8 (Whereupon, the Japanese court
9 reporter read.)

10 A (Continuing) This telegram, itself, is
11 something separate from the question of cooperation
12 among the three powers, Japan, Germany and Italy.
13

Q Well, you put them in the same paragraph.
14 That is why I am asking you if you make a connection
15 between them.
16

Was anything contained in that telegram,
17 which you admit having sent, concerning the state of
18 relations between Ambassador TOGO and the German
19 authorities?
20

A I have no recollection of having taken that
21 up in my telegram.
22

Q Well, you say that you didn't?
23

A That is what I mean.
24

Q If I understand your affidavit, then, this
25 telegram was sent solely because your feelings were

hurt that you had not been invited to a reception at
1 the Embassy. Is that your meaning?

2 A No, that is not so.

3 Q Was that one of your reasons?

4 A Just one example.

5 Q And another example was that the Ambassador,
6 you say, declined to show you important telegrams
7 which had theretofore been shown to the military and
8 naval attaches. Now, is it your position that you,
9 as Naval Attache, and General OSHIMA, as Military
10 Attache, were entitled to see all telegrams coming
11 into the Embassy?

12 A I think we have the right.

13 Q Had Ambassador TOGO's predecessor, Viscount
14 MUSHAKOJI, shown you on demand all telegrams which
15 came to the Embassy during his time?

16 A Whether we made any demands or not, I believe
17 he showed us all the telegrams that came in.

18 Q All of them?

19 A In so far as I believe, I think he showed
20 us all of them.

21 Q You don't deny, do you, that you and General
22 OSHIMA frequently went to Ambassador TOGO and asked
23 him to show you particular telegrams and were shown
24 them?

1 A Well, I cannot speak for OSHIMA, but as for
2 myself, I do not think that he showed me telegrams in
3 a cooperative spirit.

4 Q I did not ask you that. I asked you if he
5 showed them to you.

6 A I cannot make any definite statement or
7 affirmation that he showed me all telegrams.

8 Q I didn't ask you that, either. I will ask
9 my question again. Do you deny that you and General
10 OSHIMA from time to time went to see Ambassador TOGO,
11 requested that you be shown particular telegrams, and
12 were shown them?

13 A I can't quite reply to that question because
14 I do not know what kind of telegrams had arrived in
15 the Embassy.

16 Q I will give you one more chance to answer
17 my question. Did you from time to time go to the
18 Ambassador, ask to be shown particular telegrams, and
19 succeed in having them shown to you? Do you deny it?

20 A Well, when I definitely knew that a certain
21 telegram should have arrived in the Embassy, then I
22 asked the Ambassador to have the telegram shown to me.
23 I say this because, in response to telegrams which I
24 sent to Tokyo, I received information from Tokyo that
25 such and such a telegram had been sent. And so when

1 A Well, I cannot speak for OSHIMA, but as for
2 myself, I do not think that he showed me telegrams in
3 a cooperative spirit.

4 Q I did not ask you that. I asked you if he
5 showed them to you.

6 A I cannot make any definite statement or
7 affirmation that he showed me all telegrams.

8 Q I didn't ask you that, either. I will ask
9 my question again. Do you deny that you and General
10 OSHIMA from time to time went to see Ambassador TOGO,
11 requested that you be shown particular telegrams, and
12 were shown them?

13 A I can't quite reply to that question because
14 I do not know what kind of telegrams had arrived in
15 the Embassy.

16 Q I will give you one more chance to answer
17 my question. Did you from time to time go to the
18 Ambassador, ask to be shown particular telegrams, and
19 succeed in having them shown to you? Do you deny it?

20 A Well, when I definitely knew that a certain
21 telegram should have arrived in the Embassy, then I
22 asked the Ambassador to have the telegram shown to me.
23 I say this because, in response to telegrams which I
24 sent to Tokyo, I received information from Tokyo that
25 such and such a telegram had been sent. And so when

1 I knew a specific telegram had been sent to the
2 Embassy, I went to ask the Ambassador to show them to
3 me and I think that in every case they were shown to
4 me -- in most cases they were shown to me.

5 Q Did he never show you telegrams without
6 specific request by you?

7 A There had been occasions when I was shown
8 telegrams without requesting for them.

9 Q Now, why did you tell me a moment ago that
10 you could not speak for General OSHIMA in this matter
11 of being shown telegrams, when you plainly said in your
12 affidavit that to the military and naval attaches
13 telegrams were shown very reluctantly, if at all?

14 A Well, generally speaking, the attitude that
15 was shown to OSHIMA and to me was about the same, but
16 we did not necessarily go -- that is why I say so in
17 my affidavit. But I did not go to the Embassy to have
18 telegrams shown to me together with OSHIMA. We went
19 at different times, separately.

20 Q Then you do not know, of your own knowledge,
21 what success General OSHIMA had in getting telegrams
22 from the Ambassador, do you?

23 A I cannot say so accurately, but generally
24 speaking, I think he had the same experience that I
25 did.

KOJIMA

CROSS

37,063

1 THE PRESIDENT: We will adjourn until
2 half-past one.

3 (Whereupon, at 1200, a recess was
4 taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Major Blakeney.

9 H I D E O K O J I M A, called as witness on
10 behalf of the defense, resumed the stand and
11 testified through Japanese interpreters as
12 follows:

CROSS-EXAMINATION

BY MR. BLAKENEY (Continued):

Q Was the Ambassador entitled to see all cables which came in to the Military and Naval Attachés?

A Well, if there was any request all telegrams were shown. But among telegrams reaching the Army and Navy -- the Military and Naval Attachés, there are telegrams which have nothing to do with the Embassy, and so these were not necessarily shown.

Q And among the telegrams reaching the Ambassador there are some which have no connection with the Military and Naval Attachés, aren't there?

A I think so.

Q In fact, the great majority of them.

1 A That I don't know, but I am not referring
2 to them.

3 Q What was your rank at the time Ambassador
4 TOGO came to Berlin?

5 A I was Commander at the time Ambassador TOGO
6 took over his post.

7 Q Were you under the command of the Ambassador?

8 A I was, as Naval Attache, in a position to
9 cooperate with the Ambassador.

10 Q I didn't ask you that. I asked you if you
11 were under his command or control.

12 A No, not under his command.

13 Q He certainly wasn't under your command, was
14 he?

15 A Of course not.

16 Q Do you know, as a matter of fact, that during
17 the time in question the Military Attache OSHIMA had
18 repeatedly refused to show to the Ambassador or his
19 staff telegrams which had come to him as Attache?

20 A I do not know.

21 Q I wonder if you can give us any reason why
22 the Navy Ministry would have given to the Foreign
23 Ministry false information that it had received from
24 you such a telegram as that referred to in your affidavit.

1 A I know nothing about that.

2 Q And can you give us any reason why the Foreign
3 Ministry would have given such false information, de-
4 ceiving its Ambassador, to him concerning that matter?

5 A I know nothing about those things.

6 MR. SHIMANOUCHI: That is a question that the
7 witness is unable to answer and moreover the witness has
8 already stated that he knows nothing about it.

9 MR. BLAKENLY: And moreover he has already
10 answered this question.

11 Q Now, about the GODO Mission, you knew, did
12 you not, by a cable from the Foreign Ministry to
13 Ambassador MUSHAKOJI, that the GODO Mission had no
14 authority to negotiate on these commercial questions
15 with the German Government?

16 A Since I by my duties had no connection with
17 the mission or duties of the GODO Mission, I was not
18 particularly concerned or interested in it.

19 Q Well, did you know that fact?

20 A I knew at that time of GODO's coming to
21 Germany, but I knew nothing of the contents of the
22 telegram referred to.

23 Q Didn't Ambassador MUSHAKOJI show you all those
24 important telegrams?

A Yes, he has shown me them.

1 Q In fact, did not you, yourself, in one of
2 your cables to the Navy Ministry, complain of the
3 inactivity of Commercial Councillor SHUDO and suggest
4 that GODO be empowered to negotiate on those matters?

5 A There is nothing in my recollection about
6 that.

7 Q Well, you say that you didn't do it?

8 A I believe I did not do it.

9 Q And did you not, in complaining of Commercial
10 Attache SHUDO's inactivity, state that he never
11 visited the Foreign Minister and never discussed such
12 matters at all with the Foreign Minister of Germany?

13 A I have no recollection of ever having said
14 anything of the kind.

15 Q And you say that you did not say it?

16 A Yes, I did not say it.

17 Q Were you aware of the fact that Foreign
18 Minister Ribbentrop told Ambassador TOGO that the
19 question of conditions of German trade in China had
20 been discussed by him, Ribbentrop, with the GODO
21 Mission, with you, the Naval Attache and with General
22 OSHIMA, the Military Attache?

23 A I did not know of it.

24 Q You don't know of any reason, do you, that

1 Ribbentrop would have had to deceive the Japanese
2 Ambassador on that subject?

3 A I know nothing.

4 MR. BLAKENEY: That is all.

5 THE PRESIDENT: Mr. Tavenner.

6 CROSS-EXAMINATION (Continued)

7 BY MR. TAVENNER:

8 Q Admiral KOJIMA, who was the head of the
9 European Division of the Foreign Ministry in Japan in
10 December 1938?

11 A I do not know. I do not remember.

12 Q Do you know who was the head of that Division
13 at the time you sent the telegram that you said you
14 sent?

15 A I do not know.

16 Q The messages received from the Foreign Ministry
17 were from the head of the European Division of the
18 Foreign Ministry, were they not?

19 A I do not know what telegrams came directly
20 to me from the Chief of the European-Asiatic Bureau
21 of the Foreign Office. There has been no case of
22 any telegrams coming from him directly.

23

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1 Q Did your official duties as Naval Attaché re-
2 quire you to participate in negotiations for trade
3 agreements?

4 A No.

5 Q Did you have any connection whatever with
6 trade negotiations?

7 A I do not think there was any.

8 Q Then, is it not true that there was no occasion
9 requiring you to discuss commercial matters with OSHIMA
10 or GODO?

11 A No, there were no occasions.

12 Q And, therefore, you do not know what OSHIMA or
13 GODO did with regard to commercial agreements, isn't
14 that true?

15 A I do not know anything.

16 Q Then, you have no knowledge whatever on the
17 subject of the extent to which OSHIMA by-passed Ambas-
18 sador TOGO in the discussion of commercial matters?

19 A I did not know and that is why I have stated
20 in my affidavit, "I never heard."

21 Q Now, in the last sentence of your affidavit,
22 you state, as you have just said, that you never heard
23 that OSHIMA by-passed the Embassy and talked with Ribben-
24 trop on trade matters. But, is it not true that you
25 know, as a matter of fact, that OSHIMA by-passed the

1 Embassy and talked to Ribbentrop on matters of an
2 alliance between Germany and Japan?

3 MR. SHIMANOUCHI: I object to the last question.
4 It is outside the scope of this affidavit.

5 THE PRESIDENT: Objection overruled.

6 Q Please answer.

7 A May I have the question repeated?

8 (Whereupon, the Japanese court
9 reporter read.)

10 A (Continuing) What time are you referring to?

11 Q Any time while OSHIMA was Military Attaché in
12 Germany and TOGO was Ambassador, which was from the
13 latter part of December, 1937, to October 27, 1938.

14 A What I have heard from Military Attaché OSHIMA
15 was up to July, 1938. I do not know anything which
16 occurred after that -- what I heard from Military Attaché
17 OSHIMA was in July, 1938, and so I myself do not know
18 what took place before that.

19 Q Well, in July, 1938, did you attend the conference
20 with Military Attaché OSHIMA, YAMAMOTO, the Assistant
21 Military Attaché, and another Assistant Military
22 Attaché, at which an alliance between Japan and Germany
23 was discussed?

24 MR. SHIMANOUCHI: That was not a discussion. I
25 object to the last question. The reasons for my

1 objection is that this affidavit does not refer to the
2 Tripartite Pact. The reason why we called this witness
3 to the stand was, first, to show that OSHIMA did not
4 take any action to remove the Ambassador in acting in
5 concert with the Naval Attache; secondly, in this
6 affidavit, the question is taken up of whether Ribben-
7 trop discussed the question of the conditions -- whether
8 OSHIMA discussed with Ribbentrop the conditions of
9 German trade in North China.

10 In view of the ruling of the Court made this
11 morning concerning the scope of cross-examination, I
12 object to the prosecutor's question.

13 THE PRESIDENT: The last sentence of paragraph
14 4 is sufficient to ground this cross-examination.

15 Objection overruled.

16 Q Please answer the question.

17 A The meeting just referred to was not a discus-
18 sion or conference.

19 Q The three of you were together, were you not?

20 A That was for the purpose of listening to ex-
21 planations from Military Attache OSHIMA.

22 Q And, did Military Attache OSHIMA give you
23 Ribbentrop's views as to the type of relationship that
24 there should be between Japan and Germany?

25 MR. SHIMANOUCHI: I object to the last question

1 The reasons for my objection is that the only reason
2 why any reference is made to the Japan-German-Italian
3 Treaty was to show whether or not the telegrams sent by
4 this witness, as Military Attaché, to the Navy Ministry
5 in Tokyo had any connection with that matter or not.

6 THE PRESIDENT: Objection overruled.

7 Q Please answer the question.

8 A The purpose of the meeting was to listen to
9 Military Attaché OSHIMA's explanation, and I attended
10 the meeting to listen to Military Attaché OSHIMA's
11 explanations as to what Ribbentrop's views were.

12 Q And, did he express Ribbentrop's view as being
13 that the situation had changed materially and that
14 Germany was now concerned about Great Britain and France?

15 A Yes.

16 Q And, did Ribbentrop state the situation was
17 such in China that it demanded a close co-operation be-
18 tween Germany and Japan in order to solve the China
19 Incident?

20 A I think that was so.

21 Q And, did not, at this occasion, OSHIMA tell you
22 and the others that he was in favor of Ribbentrop's
23 ideas but that he was afraid the Navy wouldn't agree to
24 it?

25 A I think generally he said something to that

KOJIMA

CROSS

37,073

1 effect.

2 Q And, then, did not OSHIMA ask you to wire the
3 Navy the results of your conference and ask also the
4 Assistant Military Attaché to do the same thing?

5 A I was not in any position to receive any such
6 orders from Military Attaché OSHIMA.

7 Q But, was that not requested of you and did you
8 not send a wire identical with the Military Attaché's
9 wire, with one exception?

10 A I telegraphed on my own responsibility what I
11 heard and my views on what I heard. That was all.

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Q And did not OSHIMA request that you do that?

1 A No, that was not the case.

2 Q Did you not send a wire that was identical with
3 the wire sent by the Military Attaché, with this exception,
4 that where the wire included the phrase "any nation" you
5 pointed out that the inclusion of such a phrase would,
6 in your opinion, lead to war with the United States and
7 Great Britain?

8 A I think I pointed that matter out because that
9 was a matter that required serious attention.

10 Q Well, in order to send that wire you had to
11 compare it with the wire that the Military Attaché was
12 sending, didn't you?

13 A No, I think that it would be only natural that
14 if I sent a wire reporting the explanations made by the
15 Military Attaché it would -- the contents would be the
16 same.

17 THE PRESIDENT: Are those two wires in evidence
18 yet?

19 MR. TAVENNER: No, sir.

20 Q Will you tell us, now, what was in that wire?

21 A I do not remember the details.

22 Q But you do recall that you pointed out that the
23 inclusion of the phrase "all nations" would likely re-
24 sult in war with the United States and Great Britain?

A Well, I recall it because you just brought that
1 matter up.

2 Q But you do recall it to be a fact?

3 A Yes, I think so because that was a point with
4 which I was very much -- on which I had misgivings or
5 concern for some time at that time.

6 Q Now, was Ambassador TOGO present at this meet-
7 ing?

8 A He was not in attendance.

9 Q Was he invited?

10 A I do not know. I went to Military OSHIMA's
11 place in order to receive from him explanations of what
12 he had mentioned that noon.

13 Q Was Ambassador TOGO's name mentioned at that
14 conference?

16 A No.

17 Q Did you confer with Ambassador TOGO before send-
18 ing such an important wire to the navy?

19 A I did not.

20 Q Wasn't it your duty to pass on to the navy the
21 views of the Ambassador on such outstanding and import-
22 ant matters?

23 A In that case I thought it was necessary to
24 report to Tokyo immediately what I had heard from OSHIMA.

25 Q Well, after hurrying to send that wire, did you

then go to see the Ambassador?

1 A I did not go.

2 Q Why not?

3 A As far as I was concerned it was a matter
4 which was given to me by Military OSHIMA in confidence,
5 and so there was no connection as far as this matter
6 was concerned between me and the Ambassador.

7 Q Now tell us the circumstances under which
8 OSHIMA said that this should be kept confidential.

9 A No, there was nothing with regard -- he didn't
10 say anything about keeping the matter in confidence, but
11 because I approached him on my own and got the informa-
12 tion from him personally, I wired the information to
13 Tokyo.

14 Q You just told us a moment ago that you went to
15 OSHIMA's home to hear his comments. These other people
16 were present that I mentioned, were they not?

17 A I took my assistant attache with me.

18 Q Yes, and an assistant Military Attache was
19 there also, was he not?

20 A That has nothing to do with me. The Military
21 Attache is at liberty to have his assistant there or
22 not.

23 Q Yes, and he invited all of you to be present
24 to hear what he had to say? Isn't that the fact of

the matter?

1 A Well, in short, Military OSHIMA had some ex-
2 planations to give to me and because of the necessity
3 of drawing up the cipher message I took my assistant with
4 me.

5 Q Did OSHIMA request you to attend the meeting?

6 A As I said before, I went to see him to get his
7 explanations to something he had mentioned that noon.

8 Q In other words, he had discussed the matter
9 with you before that and an arrangement was made that
10 you would come and hear the full story; isn't that
11 right?

12 A Well, the situation was this: I heard from him
13 only the outline, the main points, while traveling in
14 an airplane, and therefore in order to get his full
15 explanation in connection therewith -- in connection with
16 those points, I called on him that evening.

17 Q At his suggestion?

18 A No, according -- in accordance with my request.

19 Q Where was this meeting held?

20 A At Military Attaché OSHIMA's residence.

21 Q Not at his place of business?

22 A His office and his residence are in the same
23 building.

24 Q Was it in his office, during office hours?

A No, at night, at his residence.

1 Q Now, tell us again, why did you consider this to
2 be confidential information, even if it were given to you
3 at night and in the private part of the residence or
4 place of business of OSHIMA?

5 A Since this talk came up at noon, and realizing
6 that it was necessary for me to know the particulars as
7 soon as possible, I went to see him and heard from him
8 his explanation that night.

9 Q But my question was as to why you considered
10 it to be confidential.

11 A In my recollection, OSHIMA was asked by Ribben-
12 trop, not officially, but rather informally, and more
13 or less confidentially, just what the Japanese Army and
14 Navy thought of -- generally speaking, just what kind of
15 ideas the Japanese Army and Navy had.

16 Q And therefore OSHIMA asked you to find out
17 from the navy, didn't he?

18 A I heard that Ribbentrop had the desire to learn
19 what desire or ideas were entertained by the Japanese
20 Navy.

21 Q Now, isn't the real reason why you desired to
22 keep this information confidential the fact that you
23 didn't want Ambassador TOGO to know about it?

24 A No, we did not necessarily think that way.

Q Not necessarily, but nevertheless that
1 occurred to you, didn't it?
2 A "ell, because the German desire was to get
3 some information on what the Japanese side -- that is,
4 the Army and Navy thought, and so I thought that
5 Tokyo should be informed as soon as possible, and
6 that a reply be received from Tokyo as soon as
7 possible as to what their disposition was.

Q But you did not, before the sending of the
9 telegram or any time after it, discuss the matter
10 with the official representative of the Japanese
11 Government, Ambassador TOGO, that is true, isn't it?
12 A Well, if that was at all necessary Ribbentrop
13 should have talked the matter over with Ambassador
14 TOGO. I had no direct connection with it.

Q You were of equal rank with Military Attaché
17 OSHIMA, weren't you?

A I was a younger officer compared with OSHIMA,
19 although of equal rank as Attaché.

MR. TAVENNER: That is all.

MR. SHIMANOUCHI: There is no redirect. May
22 the witness be excused on the usual terms?

THE PRESIDENT: He is excused accordingly.

24 (Whereupon, the witness was excused.)

25 MR. SHIMANOUCHI: I next call the witness
GODO, Takuo.

GODO

DIRECT

37,080

TAKUO GODO, called as a witness on
1 behalf of the defense, being first duly sworn,
2 testified through Japanese interpreters as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. SHIMANOUCHI:

6 Q Mr. Witness, please state your name and address.
7 A My name is GODO, Takuo. My present address is
8 Shunzanso, Sengoku-hara-mura, Kanagawa Prefecture.

9 MR. CHIMANOUCHI: May the witness be shown
10 defense document 2951?

11 (Whereupon, a document was handed
12 to the witness.)

13 Q Is that your affidavit?

14 A It seems to be slightly different. There
15 appear to be a few remarks that I had set down omitted
16 or dropped from this affidavit. The pertinent passage,
17 if the Court please, begins at the second from the last
18 line on page 1: "My object in conducting these conversa-
19 tions was to promote Japanese-German joint enterprises
20 in North China or Manchuria, by uniting Germany's ad-
21 vanced technique and Japan's capital."

22 THE MONITOR: This passage should be revised
23 to read: "My object in conducting these conversations
24 was to promote Japanese-German-Chinese, or Japanese-

GODO

DIRECT

37,081

1 German and Manchurian joint enterprises in North
2 China or Manchuria by uniting Germany's advanced
3 technique and Japan's capital and the resources of
4 Manchuria or North China"

5 Q Having made these corrections, are the contents
6 of this affidavit true and correct?

7 A Yes.

8 MR. SHIMANOUCHI: I now tender in evidence
9 defense document 2951.

10 TFE PRESIDENT: Admitted on the usual terms.

11 CLERK OF TFE COURT: Defense document 2951
12 will receive exhibit number 3723.

13 (Whereupon, defense document 2951
14 was marked defense exhibit No. 3723 and
15 received in evidence.)

16 MR. SHIMANOUCHI: I now read court exhibit
17 3723, omitting the formal part and paragraph 1:

18 "2. I have the degree of Doctor of Engineering.
19 I was Technical Adviser to the South Manchurian Railway
20 Co., President of the Showa Steel Manufacturing Co.,
21 and President of the Tokyo Chamber of Commerce and
22 Industry. I was Minister of Commerce and Industry
23 from February 1937 to June the same year.

24 "3. After the outbreak of the China Incident
25 in July 1937, Japan in an attempt to establish amity

GODO

DIRECT

37,082

and cooperation despatched the so-called people's
1 missions to such countries as Britain, America, France,
2 Germany, Italy and others. As I, myself too, had been
3 asked by the Japanese Government to go to Germany as a
4 people's envoy, there was an occasion that I visited
5 Germany accompanied by NAGAI, Alexander, ex-commercial
6 attache to the Japanese Embassy in Germany, IINO, Koji,
7 a staff member of the Mitsubishi Trading Co., and
8 AKAZUKA, Masatomo, a staff member of the South Manchurian
9 Railway Co., as my suite. Our mission left Yokohama
10 on October 14, 1937, arrived at Berlin on November 15,
11 and after staying in Germany up to April 14, 1938,
12 returned to Japan in early June.
13

"4. During my stay in Germany, I met Neurath,
14 Ribbentrop, Goering, Schacht and others, and also had
15 conversations with foreign traders and businessmen of
16 Germany. My object in conducting these conversations
17 was to promote Japanese-German-Chinese, or Japanese-
18 German-Manchurian joint enterprises in North China
19 or Manchuria by uniting Germany's advanced technique
20 and Japan's capital and the resources of Manchuria or
21 North China.
22

"5. During my stay in Germany, I have never
23 conferred with Military Attache OSHIMA on the subject
24 of the terms of trade and commerce of Germany in
25

GODO

DIRECT

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1 North China. I never heard that Military attache
2 OSHIMA discussed with Foreign Minister Ribbentrop
3 as to this commercial problem, or that he made a
4 proposal concerning the terms of commerce to the
5 Foreign Minister. Furthermore, I have never heard
6 that the Naval Attache in Germany had anything to do
7 with this problem."

8 You may cross-examine.

9 THE PRESIDENT: Major Blakeney.

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CROSS-EXAMINATION

1 BY MR. BLAKENEY:

2 Q Mr. Witness, it is in your affidavit that
3 you never heard that either military attache OSHIMA
4 or naval attache KOJIMA had ever discussed with
5 Foreign Minister Ribbentrop the question of commer-
6 cial problems in North China. You, yourself, of
7 course, discussed those matters with von Ribbentrop,
8 did you not?

9 A There was not even one occasion on which I
10 discussed such a question with Ribbentrop.

11 Q What commercial questions relating to China
12 did you discuss with Ribbentrop? Tell us in more
13 detail.

14 A At the time I left Japan I was informed by
15 the then Vice-Minister for Foreign Affairs HORINOUCHI
16 that various people's envoys were being sent to
17 various countries abroad in order to foster foreign
18 understanding of the truth of the China Incident, at
19 which time he told me that "since you," referring to
20 me, "have been in Germany from time to time, I should
21 like to have you go to Germany."

22 At that time, taking advantage of my trip,
23 the Vice-Minister requested me, as representative of
24 private business circles, to make some exploration

1 and investigation as to some appropriate means that
2 might be considered for the promotion of economic
3 collaboration between Japan and Germany. The matter
4 which occurred to my mind at that time was the ques-
5 tion on which I was considerably troubled during my
6 tenure of office as minister of Commerce and Industry.
7 The questions which troubled me as minister for Com-
8 merce and Industry were two. One was the belated
9 development of the production of synthetic oil in
10 Japan, as well as the fact that the manufacture of
11 synthetic rubber had not even commenced. And thus
12 it occurred to my mind, as a policy which I might
13 take in connection with the furtherance of economic
14 collaboration, to obtain from Germany her advanced
15 technique. to have Japan supply the funds, to procure
16 the necessary labor and natural resources from North
17 China or Manchuria and, by combining these three
18 elements, to set up and develop enterprises on the
19 spot, that is, in North China or in Manchuria based
20 upon the coal to be found in those areas.

21 THE PRESIDENT: Do you want such detailed
22 answers?

23 MR. BLAKENY: No, sir, I do not.

24 THE PRESIDENT: I am sure we do not.

25 Q I just wanted to know the details of what

was talked about with von Ribbentrop, Mr. Witness.

1 A Well, I do not have any clear recollection,
2 but I think it was on the 27th or the 28th of Febru-
3 ary that I met Ribbentrop, and that for once only.
4 At that time no concrete plans such as I have just
5 explained to you were brought up or mentioned. How-
6 ever, in response to a question which I put to him
7 with regard to our desire for economic collaboration,
8 Ribbentrop replied to me, saying, and the matter of
9 my own concrete plan was not brought up, that my
10 suggestion was splendid and that, in as much as
11 there were political ties existing between Japan and
12 Germany through the Anti-Comintern Pact, economic
13 collaboration between the two Powers was most de-
14 sirable.

16 Although I do not remember the exact figures,
17 but Ribbentrop said during the course of our conver-
18 sation in connection with the Exchange Control Law
19 which was enacted in Japan in January that, with
20 respect to payment for goods sent from Germany to
21 Japan, the payment for goods which were then en
22 route from Germany to Japan and in connection with
23 the payment of goods which had already been sent to
24 Japan without any contract in accordance with previous
25 custom, nothing had been done and that, therefore,

1 German businessmen and traders were very much dis-
2 satisfied. And, therefore, Ribbentrop said that,
3 because of the existence of such a situation, he was
4 somewhat doubtful whether German business circles
5 under such circumstances would be willingly disposed
6 toward economic collaboration with Japanese economic
7 circles.

8 At that time Germany had not yet recognized
9 Manchukuo; and at that time Ribbentrop said that
10 Germany had not yet recognized Manchuria because of
11 such economic reasons. And in connection therewith,
12 he further said that the recognition of Manchukuo
13 would, as a matter of course, irritate the Nanking
14 Government and that to irritate the Nanking Govern-
15 ment would cause unpleasant effects upon German
16 trade with China.

17 Q Well, excuse me, but I think we are going
18 a little far afield from my question. All I wanted
19 to know, don't you see, was what the discussion was
20 between you and Ribbentrop about the matter you
21 stated in your affidavit, that is, joint trade in
22 North China and Manchuria.

23 A With regard to that, what I have just been
24 telling you has a very great relevance. You cannot
25 say that there is no relevance whatsoever between

1 what I have been saying about the question just sug-
2 gested by you.

3 Q Well, I did not mean to imply that there was
4 none, but I think we do not want quite so much detail,
5 so just tell us the precise subject matters which
6 were discussed between you.

7 THE PRESIDENT: We will recess for fifteen
8 minutes.

9 (Whereupon, at 1445, a recess was
10 taken until 1500, after which the proceed-
11 ings were resumed as follows:)

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MILSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

2
THE PRESIDENT: Major Blakeney.

3
& BY MR. BLAKENEY (Continued):

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Q I understand, Mr. Witness, that you had only
2
one brief conversation with Ribbentrop?

3
A You are right, only the conversation with
4
him held on the 28th and on the 12th of April when I
5
paid a courtesy call on him at the time of my departure
6
from Germany.

7
Q Now, meanwhile while your mission was in Ber-
8
lin with whom if anyone in the German Government did
9
you discuss these matters of Japanese-German-North
10
China questions?

11
A There was no such discussion even once.

12
Q That is with no one?

13
A Not with anyone.

14
Q Then your discussions of such matters were
15
confined, were they, to conversations with private,
16
non-official businessmen?

17
A You are right.

18
Q Of course, the character of the mission to
19
which you were appointed conferred on you no authority
20
for such negotiation, did it -- for such negotiation
21
with German officials, did it?

A I went to Germany in no official capacity
1 whatsoever, nor as the head of an economic mission.
2 I went as what is called as the Peoples' Envoy to
3 express the gratitude of the Japanese people with
4 regard to the German attitude toward the China Incident
5 and only as a private individual did I confer -- did I
6 discuss with German businessmen, private businessmen,
7 the possibilities of joint enterprise in the economic
8 field.
9

Q Yes. Now, concerning Military Attaché OSHIMA's
10 doings you had no personal knowledge, had you?
11

A I do not have any knowledge. I wish to say
12 only this, that I first became acquainted with Military
13 Attaché OSHIMA during the course of my previous visit
14 to Germany at the time I was President of the Showa
15 Steel Works in Anshan, Southern Manchuria. My purpose
16 in making that trip on that occasion was to investigate
17 into the new steel manufacturing process which was de-
18 signed by Krupp's in Germany at that time.
19

Q I think we can confine the question now to
21 your knowledge of General OSHIMA's activities during
22 this visit to Germany. What I want to ask you now is
23 this: Although you say that you never heard that he
24 had made a proposal to Foreign Minister Ribbentrop con-
25 cerning North China commercial questions, is it not a

fact that he could have made such a proposal and you
1 not have known about it?

2 A I do not think so. My reason for so saying
3 is that for the explanations which I have already
4 stated to you, I was on very intimate terms with
5 OSHIMA. I think that there was no such case of OSHIMA
6 proposing anything to Ribbentrop because if there were
7 any negotiations on economic questions between OSHIMA
8 and Ribbentrop during my stay in Germany, OSHIMA cer-
9 tainly would have told me about it.
10

11 Q Would it affect your belief if you knew that
12 Foreign Minister Ribbentrop informed Ambassador TOGO
13 that such a thing had occurred?

14 A Before replying to that I think it would be
15 appropriate if I explained some of the circumstances
16 at that time. But would there be any possibility of
17 you cutting me off, saying that I was talking too much
18 at length?

19 Q Well, that might occur, yes.

20 THE PRESIDENT: Every possibility.

21 A Well, just a while ago you asked me to make
22 some explanation in detail, and, therefore, I indulged
23 in explanation in detail, and at that time you com-
24 plained saying that I was going too far into detail,
25 which I considered to be a rebuke against me.

1 Q Well, I don't mean to rebuke you, and I suggest
2 in order to avoid any such occurrence you might
3 answer this question yes or no. I think it is susceptible
4 of it.

5 A Well, then, may I have the question repeated?

6 (Whereupon, the Japanese court
7 reporter read.)

8 A Well, it is very difficult for me to reply to
9 that question because as I have said before if anything
10 such as suggested by you actually occurred, then OSHIMA
11 surely would have informed me about it.

12 Q Well, if it is difficult let's pass it by.

13 In stating your career in your affidavit, by
14 the way, you overlooked mentioning, did you not, that
15 you were also a Vice Admiral of the Japanese Navy?
16 You were, weren't you?

17 A Yes, I was. Not a Vice Admiral in the generally accepted sense of that term: because this rank
18 or this position existed -- or exists only in Japan.
19 It would not be proper to call that position Engineering
20 Vice Admiral, it might be more proper to say Technical
21 Vice Admiral.

22 MR. BLAKENEY: That is all. Thank you.

23 THE PRESIDENT: Mr. Tavenner.

CROSS-EXAMINATION (Continued)

1 BY MR. TAVENNER:

2 Q Mr. GODO, were you not in error in stating
3 that you only discussed your mission with one official
4 representative of the German government, Ribbentrop?

5 A That would be a mistake.

6 MR. TAVENNER: Will you repeat that please?

7 (Whereupon, the answer was read by
8 the official court reporter as above recorded.)

9 THE WITNESS: I have mentioned a number of
10 names in my affidavit.

11 Q Then I misunderstood you in the course of your
12 cross-examination. At any rate, it is true that you
13 talked of your mission to Hitler, didn't you?

14 A That is a fact.

15 Q And to von Neurath?

16 THE PRESIDENT: He mentioned him but Hitler
17 apparently is among the others.

18 A That also is a fact.

19 THE PRESIDENT: "Neurath, Ribbentrop, Goering,
20 Schacht and others."

21 Q In your discussion with any of them did you
22 consider the question of preferential treatment of
23 Germany in North China?

24 A Absolutely not.

1 Q Did you discuss that matter with OSHIMA?

2 A I saw no necessity of discussing anything of
the kind with OSHIMA.

3 Q Nevertheless did you discuss it with OSHIMA?

4 A There was no occasion when I discussed with
5 him anything relating to North China as suggested by
6 you.

7 Q Did Military Attache OSHIMA entertain you while
8 you were in Germany, and you him?

9 A There was no case in which I entertained Mil-
10 itary Attache OSHIMA alone or specially.

11 Q Were there numerous occasions on which you met
12 privately?

13 A Yes, frequently.

14 Q Did you continue in your discussion of the
15 trade matters in North China with German government
16 officials until the end of your mission?

17 A As I told defense counsel Blakeney in reply to a
18 question from him, my own mission, in so far as the
19 promotion of economic collaboration with Germany was
20 concerned was to find some -- to explore as to some
21 means of combining the efforts of Japan, Germany and
22 Manchuria, of Japan, Germany and North China in that
23 area. Anything relating to commercial matters would
24 be the work of the Commercial Attache of the embassy.

1 Slight addition: My mission in so far as
2 economic collaboration was concerned was to concentrate
3 my efforts toward the possible realization of cooper-
4 ation or combination of efforts among Japan, Germany
5 and Manchuria or among Japan, Germany and North China
6 with regard to certain types of industry.

7 Q Mr. GODO, to shorten this matter somewhat
8 let me ask you this direct question: Is it not true
9 that after you had negotiated to some extent with the
10 officials, various officials of Germany, the Embassy,
11 that is the Japanese Embassy advised you that you had
12 gone rather too far and to cease your negotiations?

13 A There was no case of the embassy saying any-
14 thing of the kind.

15 Q What did the embassy say to you, then?
16 I Well, I think an explanation at some length
17 would be necessary. Otherwise you wouldn't -- in order
18 to understand the course of developments. Otherwise
19 you wouldn't understand.

20 Q Rather than to do that let me ask you another
21 specific question.

22 THE PRESIDENT: I think we would like to know
23 what the embassy did tell him and there is no reason
24 why he shouldn't tell us without going into great length.
25 He is a scholarly man who can state an account briefly.

1 Q Did you understand the statement by the
2 President of the Tribunal?
3 A Yes, very well.
4 Q Then endeavor to comply with that suggestion.
5 A The policy or the position which was discussed
6 between me and the previous Ambassador MUSHAKOJI, that
7 is the predecessor to Ambassador TOGO, was quite dif-
8 ferent from the policy taken by Ambassador TOGO. There
9 was a change in policy. The day after my arrival in
10 Germany I held consultations with Ambassador MUSHAKOJI
11 with regard to how I should carry out my duties as a
12 peoples' envoy and the arrangement that was made, that
13 is the preliminary arrangement that was made -- strike
14 that: the arrangement that was made was that I would
15 make in the course of my discussions on economic ques-
16 tions to make preliminary arrangements and that whenever
17 these matters came to a more or less official stage
18 then the embassy would take over from there.

19 After the assumption of office as ambassador
20 by Mr. TOGO the arrangement was completely changed
21 and the policy laid down by him that even preliminary
22 talks with the German side was also to be conducted
23 between the embassy and Ribbentrop and not by me. And
24 of this matter I did not hear from the embassy but

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1 from Ribbentrop at the time I met him on the 28th of
2 February at which time he said that he would like to
3 negotiate with me but "inasmuch as Ambassador TOGO
4 insists it is the work of the ambassador to handle
5 such negotiations, he could not permit such negoti-
6 ations to be handled by you because you are here in
7 a private capacity."

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1 THE PRESIDENT: Well, there is only a change
2 of method. We do not want to hear any more.

3 Q In other words, you were advised to
4 discontinue your operations outside of the official
5 channels of the Embassy, were you not?

6 A Well, he did not say anything to that
7 effect or anything of the kind, and so I continued
8 my discussions with private German business men with
9 regard to various matters which were in my mind.

10 Q But you ceased to conduct negotiations
11 with the official German representatives, didn't you?

12 A Yes.

13 Q And that was because of the attitude of
14 the Ambassador, TOGO; is that correct?

15 A Yes, quite so.

16 Q When was that?

17 A I do not remember the date, but as I have
18 said before, when I met Ribbentrop on the 28th of
19 February he said that he and I must cease negotia-
20 tions because Ambassador TOGO did not desire it; and
21 then when I saw him for the second time, when I
22 visited him on April 12 to express my words of fare-
23 well at the time of my departure from Germany, he
24 said that it appeared that TOGO was not much in-
25 terested in the matter, and therefore he desired

1 that I return again to Germany in an official
2 capacity so that negotiations could be conducted.

3 Q Then you ceased your negotiations with
4 officials from the time of your Ribbentrop con-
5 ference on the 27th of February?

6 A Yes, as you say.

7 Q Now, did you discuss that matter with
8 OSHIMA?

9 A I reported the matter to Military Attaché
10 OSHIMA. Then shortly after that I was not in Berlin
11 up to the early part of April because I was visiting
12 various parts of Germany, visiting factories and other
13 industrial plants.

14 Q And you have no knowledge of your own as
15 to what OSHIMA did about it after you advised him
16 that you could no longer conduct the negotiations?

17 A No, nothing.

18 MR. TAVENNER: No further questions.

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MR. SHIMANOUCHI: There is no redirect, your Honor.

May the witness be released on the usual
terms?

THE PRESIDENT: He is released accordingly.

(Whereupon, the witness was excused.)

MR. SHIMANOUCHI: This concludes the individual phase of OSHIMA's defense.

THE PRESIDENT: Major Blakeney.

10 MR. BLAKENEY: As the Tribunal may remember,
11 I still have a witness reserved from the TOGO case
12 who, I am advised, is not yet able to attend the Tribu-
13 nal.

THE PRESIDENT: Have you a medical certificate as to his state of health?

MR. BLAKENEY: I have not one of recent date, but I have had inquiries made each day, and I think there is reason to believe that he will be able to attend on Monday.

THE PRESIDENT: We have a Pacific phase and a Russian phase to complete yet, Major Blakeney. At least, I understand Mr. Logan has something to say about the Pacific phase.

MR. BLAKENEY: I believe that the Pacific
phase is completed, your Honor.

1 THE PRESIDENT: The Pacific is on a list
2 handed to me with Mr. Logan's name alongside.

3 MR. BLAKENEY: I believe, your Honor, that
4 was the economic part of the Pacific phase which went
5 in yesterday, if I am not mistaken.

6 THE PRESIDENT: There is only the Russian
7 phase left besides this witness you just referred to.

8 MR. BLAKENEY: Such is my understanding.
9 And regarding the Russian phase, I can say that I am
10 prepared to proceed now by taking some witnesses out
11 of order, because, owing to mechanical difficulties,
12 we were not able to make service until this morning
13 in the case of most of our documents. If, on the
14 other hand, the Tribunal should see fit to adjourn
15 a quarter of an hour early, I believe I can promise a
16 much more efficient performance on Monday morning.
17

18 THE PRESIDENT: We will adjourn until half-
19 past nine on Monday morning.

20 (Whereupon, at 1540, an adjournment
21 was taken until Monday, 12 January 1948, at
22 0930.)

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